

REMARKS

This paper is submitted in response to the Office Action dated May 5, 2004. A request for a three-month extension of time has been submitted concurrently herewith, as well as authorization to charge Deposit Account 23-3000 in the amount of \$490.00 based upon Applicant's small entity status for the requisite extension of time fee. Therefore, the period of response extends up to and includes November 5, 2004. Reconsideration and allowance of all pending claims by the Examiner are respectfully requested.

In the subject Office Action, claims 5-6, 23, 28-29, 52, and 54 were rejected under 35 U.S.C. § 112 second paragraph. Moreover, claims 1-4, 7-27, 30-51, 53, and 55-85 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. U.S. Patent No. 5,917,725 to Thacher et al. (Thacher) in view of U.S. Patent No. 6,425,828 to Walker et al. (Walker).

Applicant respectfully traverses the Examiner's rejections, as the cited references do not disclose or suggest the invention in any of claims 1-85. Applicant has nonetheless amended claims 1, 5, 6, 23, 28 and 29 in deference to the Examiner and to resolve any 35 U.S.C. § 112 issues.

In a conventional computer gaming scenario, players compete against the computer software or another player in a game. In games such as are disclosed in Thacher, a score is automatically generated according to the player's performance in the game. Tournament implementations of a computer game, such as are disclosed in Walker, pits the scores of competing players in the game against each other. The tournament players participate in a commonly formatted game (column 10, lines 29-32) to determine a tournament winner. In so doing, known computer applications succeed in encouraging play of a particular game.

Such conventional applications do not, however, promote player exposure to different types of games. Player exposure to different games leads to greater player participation and potential revenue. Players are more likely to find a game(s) format/type

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that particularly appeals to them. As recited in claim 1, Applicant's invention succeeds in promoting exposure to different game types by, in part, generating first and second scores. The scores reflect actions taken by the same participant in different types of games, i.e., games having different rules. A rating is then calculated by manipulating at least the first and second scores. By forcing each player to participate in different game types having different rules, Applicant's system requires the player to consider and play different games. This feature is neither taught nor suggested by the prior art.

More particularly, Thacher is an example of a conventional computer scoring system. The Office Action notes on page 3 that the player's score in Thacher is dependent upon a score achieved by that player in only one type of game, not two types of games. In an attempt to cure this deficiency, the Office Action relies on Walker. However, Walker merely facilitates a player's competition within a tournament for a single game type, or format. In the three columns cited by the Office Action, Walker takes pains to distinguish examples of different game types (dexterity games, column 10, line 34; golf games, column 10, line 54; prediction games, column 11, line 38; other games, column 11, line 53; etc.) that could each embody a distinct game played by a single player in a tournament. There is no suggestion within Walker that a tournament would involve the same player participating in more than one type, or format, of game. While the cited text of Walker discusses setting performance criteria (such as start times and conditions) for games of the same type, there is no disclosure suggesting the rules of the game are changed. The same rules govern the game of golf, whether or not simulated game conditions are varied as between participants (col. 13, lines 29-30). In fact, Walker teaches away from such variation in that Walker relies on the rules to keeping scoring commensurate, or "normalized," as between players (col. 13, lines 24-27). As such, each tournament participant in Walker competes in only one game, that game having one set of rules.

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The features of claim 1 are not, in any case, seen to be disclosed in Walker or Thacher. If the Examiner is still of the view that Thacher or Walker teaches or suggests a single player playing two different games, each game having a different sets of rules, the Examiner is requested to more particularly explain where that teaching is discussed in the reference. The Examiner is furthermore asked to consider that the Walker and Thacher systems could be the nature of the computer-based system to which the present invention applies, with the added feature of having each player compete in different types of games, as opposed to a single game. Applicant consequently submits that claim 1 is novel and nonobvious over Walker and Thacher, and requests reconsideration and allowance of claim 1, as well as of claims 2-22 that depend therefrom.

In addition to other features, independent claim 23 likewise includes scores reflecting a player's participation first and second games (each game having a different set of rules). Claim 23 is therefore novel and unobvious for at least the same reasons as stated above in connection with claim 1. Applicant consequently requests reconsideration and allowance of claim 23, as well as of claims 24-46 that depend therefrom.

Claim 47 is directed to a hardware and software implementation of the method claim of 23, and is therefore allowable, along with its respective dependent claims 48-70, for at least the same reasons as described above. Similarly, claim 71 is a program product embodiment implementation of claim 1, and should be allowed, along with dependent claims 72-73, for at least the above reasons. Independent claim 74 is directed to a method that includes calculating a rating by manipulating first and second user scores, the likes of which are not suggested or taught in the cited prior art. Claim 74 and its associated dependent claims are likewise allowable.

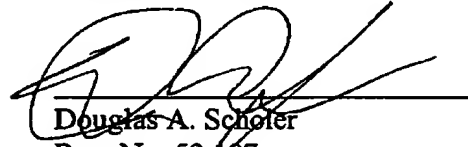
In summary, Applicants respectfully submit that all pending claims are novel and non-obvious over the prior art of record. Reconsideration and allowance of all pending claims are therefore respectfully requested. Applicants respectfully submit that no new subject matter is being added by the above amendments, as the amendments are fully

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supported in the specification, drawings and claims as originally filed. If the Examiner has any questions regarding the foregoing, or which might otherwise further this case on to allowance, the Examiner may contact the undersigned at (513) 241-2324. Moreover, if any other charges or credits are necessary to complete this communication, please apply them to Deposit Account 23-3000.

Respectfully submitted,

11/5/04
Date


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